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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,678	06/27/2001	Edward Eric Thomas	50037.29US01	3961

7590 03/01/2004

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Applicati n No.

09/892,678

Applicant(s)

THOMAS ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

#### **Claim Status: 1- 17 rejected.**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/2003 has been entered.

#### **Objection**

Claim3 objected to because of the following informalities: "staJe". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US Patent No. 6,553,409) in view of Rosenthal et al (US Patent No. 5,224,212).

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1. Regarding Claims 1, 7, and 13, Zhang discloses a method for processing a notification having a tag value, comprising:

receiving the notification that includes a tagged value that indicates a count (for e.g. specify post-check and pre-check specify the state by cache manager Fig. 2, 66, column 2, lines 9-17)( see column 5, lines 43-63, Zhang);

determining a current synchronization state (*the determination will be based on e.g. the age of the content this performed at* column 5, lines 50- 55, Zhang);

generating a current synchronization checkpoint count value based on the current synchronization state(see column 6, lines 5-17, Zhang);

comparing the count of the tagged value to the current synchronization checkpoint count value(see column 5, lines 56-63, Zhang);

regarding step processing the notification when the count tagged value is current with respect to the current synchronization checkpoint counts value, otherwise managing the notification, Zhang discloses the limitation subject matter (see column 7, lines 37-42, Zhang). However, to expedite prosecution examiner present Rosenthal teaches the method of used a tagged value to verify the processed data (see column 6, lines 23-30, Rosenthal). It would have been obvious to one of ordinary skill in the art at the time of the invention to add/ modify the Zhang system by adding the tagged value with the motivation of allowing the system to synchronize only the tagged value which saves time and space in cache and not repeating and synchronized data more than once.

2. Regarding Claims 2, 8, and 14, the combination of Zhang and Rosenthal discloses a method wherein determining a current synchronization state, further comprises:

setting a synchronization currently in process state when a synchronization is in process (see column 6, lines 46-49, Zhang<sup>1</sup>); otherwise

setting a synchronization currently not in process state (see column 6, lines 55-60, Zhang<sup>2</sup>).

3. Regarding Claims 3, 9, 15, the combination of Zhang and Rosenthal discloses a method wherein managing the notification, further comprises determining when the current synchronization state is set to a state of no synchronization currently in process, and when:

discarding the notification when the count of tagged value is stale with respect to the current synchronization checkpoint count value (see column 7, lines 24-29, Zhang); and

handling the notification when the count of the tagged value is out-of-date with respect to a current synchronization checkpoint count value (see column 7, lines 25-26, Zhang).

4. Regarding Claims 4, 10, and 16, the combination of Zhang and Rosenthal discloses a method wherein handling the notification when the count of the tagged value is out-of-date with respect to the current synchronization count value, further comprises determining if the count of the tagged value corresponds to a lost request key, and if so processing the notification, otherwise discarding the notification (see column 7, lines 37-49, Zhang).

5. Regarding Claims 5, 11, and 17, the combination of Zhang and Rosenthal discloses a method wherein processing the notification, further comprises determining when the synchronization currently in process state is set, and when:

queuing the notification when the count of the tagged value is current with respect to the desired synchronization level (see column 8, lines 39-44, Zhang);

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<sup>1</sup> Examiner interprets the step of validation as in process.

discarding the notification when the count of the tagged value is state with respect to the desired synchronization level or out-of-date with respect to the desired synchronization level and corresponds to the sync level of a lost sync request (see column 7, lines 24-29, Zhang); and

handling the notification when the count of the tagged value is out-of-date with respect to the desired synchronization level (see column 7, 25-26, Zhang) .

6. Regarding Claims 6, and 12, the combination of Zhang and Rosenthal discloses a method further comprising processing the notification when the synchronization currently not in process state is set (see column 6, lines 55-60, Zhang).

### ***Response to Amendment***

In the response filed February 12, 2004 (paper # 8), Applicant has amended Claims 1-17, and has presented arguments tat are directed to the newly added provisions in these claims. The Examiner maintains that Zhang (US Patent No. 6,553,409) in view of Rosenthal et al. (US Patent No. 5,224,212) still reads on under § 103 all of the claimed subject matter, including the newly added provisions as set forth above in the body of the rejection.

### ***Other Prior Art Made of Record***

1. Zhang et al. (US Patent No. 6,553,409) discloses background cache synchronization.
2. Yehia et al. (US Bub No. US2002/0091614) discloses a method and system for automatic contract reconciliation in a multilateral environment.

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<sup>2</sup> Examiner interprets the “non-validate” as not in process.

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3. Ecklund (US Patent No. 4,853,843) discloses a system for merging virtual partition of a distributed database.

4. Chrabaszez (US Patent No. 6,134,673) discloses a method for clustering software applications.

*Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
February 25, 2004

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100